

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NAGA SATYA VINEELA DEVI
MAVURI,

Plaintiff,

v.

KALYAN SAMUDRALA,

Defendant.

C22-1690 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Plaintiff's motion under Federal Rule of Civil Procedure 4(c)(3) for order directing service by United States Marshal, docket no. 9, is DENIED. Rule 4(c)(3) provides that the Court "may order" service by the United States Marshal or someone specially appointed by the court to achieve service when the Plaintiff makes such a request. Rule 4(c)(3) further provides that the Court "must so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. § 1915 or as a seaman under 28 U.S.C. § 1916." *See* Fed. R. Civ. P. 4(c)(3). On December 9, 2022, the Court granted Plaintiff's motion for leave to proceed in forma pauperis. Minute Order (docket no. 4). Plaintiff, however, "is not an incarcerated prisoner or seaman, and accordingly, was not granted in forma pauperis status under the Prison Litigation Reform Act, 28 U.S.C. § 1915, or as a seaman under 28 U.S.C. § 1916." *See Mickens v. Hous. Auth. of the City of Los Angeles*, No. CV 21-9798, 2022 WL 16942848, at *1 (C.D. Cal. Aug. 22, 2022). Plaintiff must first request waiver of service under Rule 4(d). If that request is unsuccessful, and if Plaintiff prevails in this action, the costs of service will be taxed against Defendant. *See* 28 U.S.C. 1920; *see also Wooten v. BNSF Ry. Co.*, 387 F. Supp.

3d 1078, 1117 (D. Mont. 2019) (refusing to award \$75 process server fee because plaintiff failed to request that defendant waive service).

(2) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

Dated this 10th day of January, 2023.

Ravi Subramanian
Clerk

s/Laurie Cuaresma
Deputy Clerk